

2:50 P.M.
FILED

DEC 12 2005

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

STANLEY WILLIAMS,

Petitioner,

v.

STEVEN W. ORNOSKI, Acting Warden,
for California State Prison at San Quentin,

Respondent.

No. 05-77034

D.C. No.

ORDER

BEFORE: HUG, T. NELSON, AND GOULD, Circuit Judges

A judge of this court made a *sua sponte* en banc call on the decision by the panel to deny Williams' application pursuant to 28 U.S.C. § 2244(b) to file a successive petition for a writ of habeas corpus and his request for a stay of execution. The call failed to receive the affirmative vote of a majority of the non-recused active judges of the court.

The application for leave to file a petition for rehearing en banc on his application to file a successor petition for a writ of habeas corpus is denied as moot. The motion filed by the Attorney General to strike the application is denied as moot.